

AMENDED IN ASSEMBLY APRIL 23, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1483

Introduced by Assembly Member Carter

February 23, 2007

An act to amend Sections 9884.8 and 9884.9 of the Business and Professions Code, relating to automotive repair.

LEGISLATIVE COUNSEL'S DIGEST

AB 1483, as amended, Carter. Automotive repair: crash parts.

Existing law, the Automotive Repair Act, establishes the Bureau of Automotive Repair under the supervision and control of the Director of Consumer Affairs. The act provides for the registration and regulation of automotive repair dealers and authorizes the director to adopt regulations to implement its provisions. The act requires all work done by an automotive repair dealer to be recorded on an invoice that describes all service work done and parts supplied. The act requires the invoice to include a statement indicating whether any crash parts are original equipment manufacturer crash parts or nonoriginal equipment manufacturer aftermarket crash parts. The act also requires this information to be provided to a customer in an itemized written estimate when an automotive repair dealer is doing auto body or collision repairs. A violation of the act is a crime.

This bill would additionally require an automotive repair dealer, when doing auto body or collision repairs, to provide a specified certification to the customer upon completion of the repairs indicating that the crash parts identified on the written estimate provided to the customer, or

pursuant to an approved change to the estimate, were installed on the customer's motor vehicle. ~~The bill would authorize the bureau to adopt regulations specifying the form and content of this certification.~~

Because a violation of the bill's provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9884.8 of the Business and Professions
2 Code is amended to read:

3 9884.8. All work done by an automotive repair dealer, including
4 all warranty work, shall be recorded on an invoice and shall
5 describe all service work done and parts supplied. Service work
6 and parts shall be listed separately on the invoice, which shall also
7 state separately the subtotal prices for service work and for parts,
8 not including sales tax, and shall state separately the sales tax, if
9 any, applicable to each. If any used, rebuilt, or reconditioned parts
10 are supplied, the invoice shall clearly state that fact. If a part of a
11 component system is composed of new and used, rebuilt or
12 reconditioned parts, that invoice shall clearly state that fact. The
13 invoice shall include a statement indicating whether any crash
14 parts are original equipment manufacturer crash parts or
15 nonoriginal equipment manufacturer aftermarket crash parts and
16 a certification with respect to those crash parts as required under
17 Section 9884.9. One copy of the invoice shall be given to the
18 customer and one copy shall be retained by the automotive repair
19 dealer.

20 SEC. 2. Section 9884.9 of the Business and Professions Code
21 is amended to read:

22 9884.9. (a) The automotive repair dealer shall give to the
23 customer a written estimated price for labor and parts necessary
24 for a specific job. No work shall be done and no charges shall
25 accrue before authorization to proceed is obtained from the

1 customer. No charge shall be made for work done or parts supplied
2 in excess of the estimated price without the oral or written consent
3 of the customer that shall be obtained at some time after it is
4 determined that the estimated price is insufficient and before the
5 work not estimated is done or the parts not estimated are supplied.
6 Written consent or authorization for an increase in the original
7 estimated price may be provided by electronic mail or facsimile
8 transmission from the customer. The bureau may specify in
9 regulation the procedures to be followed by an automotive repair
10 dealer if an authorization or consent for an increase in the original
11 estimated price is provided by electronic mail or facsimile
12 transmission. If that consent is oral, the dealer shall make a notation
13 on the work order of the date, time, name of person authorizing
14 the additional repairs, and telephone number called, if any, together
15 with a specification of the additional parts and labor and the total
16 additional cost, and shall do either of the following:

17 (1) Make a notation on the invoice of the same facts set forth
18 in the notation on the work order.

19 (2) Upon completion of the repairs, obtain the customer's
20 signature or initials to an acknowledgment of notice and consent,
21 if there is an oral consent of the customer to additional repairs, in
22 the following language:

23
24 "I acknowledge notice and oral approval of an increase in the
25 original estimated price.

26
27 _____
28 (signature or initials)"

29 Nothing in this section shall be construed as requiring an
30 automotive repair dealer to give a written estimated price if the
31 dealer does not agree to perform the requested repair.

32 (b) The automotive repair dealer shall include with the written
33 estimated price a statement of any automotive repair service that,
34 if required to be done, will be done by someone other than the
35 dealer or his or her employees. No service shall be done by other
36 than the dealer or his or her employees without the consent of the
37 customer, unless the customer cannot reasonably be notified. The
38 dealer shall be responsible, in any case, for any service in the same
39 manner as if the dealer or his or her employees had done the
40 service.

1 (c) In addition to subdivisions (a) and (b), an automotive repair
2 dealer, when doing auto body or collision repairs, shall do both of
3 the following:

4 (1) Provide an itemized written estimate for all parts and labor
5 to the customer. The estimate shall describe labor and parts
6 separately and shall identify each part, indicating whether the
7 replacement part is new, used, rebuilt, or reconditioned. Each crash
8 part shall be identified on the written estimate and the written
9 estimate shall indicate whether the crash part is an original
10 equipment manufacturer crash part or a nonoriginal equipment
11 manufacturer aftermarket crash part.

12 (2) Upon completion of the repairs, provide a written
13 certification to the customer that the crash parts identified on the
14 itemized written estimate, or pursuant to an approved change to
15 the written estimate, have been installed on the motor vehicle. ~~The~~
16 ~~bureau may specify in regulation the form and content of the~~
17 ~~certification.~~

18 (d) A customer may designate another person to authorize work
19 or parts supplied in excess of the estimated price, if the designation
20 is made in writing at the time that the initial authorization to
21 proceed is signed by the customer. The bureau may specify in
22 regulation the form and content of a designation and the procedures
23 to be followed by the automotive repair dealer in recording the
24 designation. For the purposes of this section, a designee shall not
25 be the automotive repair dealer providing repair services or an
26 insurer involved in a claim that includes the motor vehicle being
27 repaired, or an employee or agent or a person acting on behalf of
28 the dealer or insurer.

29 SEC. 3. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.